

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Jose Gonzalez Feliciano,
Plaintiff,

v.

Servicios Correccionales de Puerto Rico,
Defendant.

CASE NUMBER: 98-1381 (HL)

MOTION

Date Filed: 1/19/00 Docket #15 [x] Plffs [] Defts
Title: Informative Motion and Petition (Motion to Show Cause)
Opp'n Filed: Docket #

ORDER

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U.S. DISTRICT COURT
SAN JUAN, P.R.

Plaintiff's motion adequately responds to the Court's order of December 20, 1999, Dkt. No. 12. The motion indicates that Plaintiff did indeed exhaust the prison's internal grievance procedures for loss of property. Although Plaintiff failed to file an appeal of the grievance officer's decision with the warden according to the prison's procedures, the memorandum purporting to be the final determination (ultima determinacion) of Plaintiff's grievance was signed by both the grievance officer and the warden. Thus, an appeal to the warden was not warranted.

Unfortunately for Plaintiff, though, the Court's Opinion and Order of January 10, 2000, Dkt. No. 13, dismissed this case on the grounds of failure to exhaust the prison's internal procedures *and* the existence of an adequate post-deprivation remedy for Plaintiff's loss of property. This second ground for the Court's judgment is sufficient to allow the judgment to stand.

Date 1-21-00

HECTOR M. LAFFITTE
Chief U.S. District Judge

(3)

(16)